

CITY COUNCIL
ATLANTA, GEORGIA

A RESOLUTION

001-2-2029

BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS IN THE CASE OF CONNELL BARNHILL V. BEVERLY J. HARVARD, ET AL., UNITED STATES DISTRICT COURT, NORTHERN DISTRICT OF GEORGIA, ATLANTA DIVISION, CIVIL ACTION FILE NO. 1:99-CV-1787-MHS, IN THE AMOUNT OF \$10,000.00; AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISBURSE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

WHEREAS, Barnhill v. Harvard, et al., Civil Action File No. 1:99-CV-1787-MHS, is a case pending in the United States District Court, Northern District of Georgia, Atlanta Division, in which the City of Atlanta, Chief Beverly J. Harvard, Sgt. Robert Browning, Officer Chris Leighty, SPO Jimmy Smith and unidentified individuals, who were employed by the City of Atlanta Police Department at the time of the incident, were originally named as Defendants; and

WHEREAS, Sgt. Browning, SPO Smith and Officer Leighty, who were assigned to the Special Weapons and Tactics (SWAT) Unit of the Atlanta Police Department, were summoned to Plaintiff's residence located at 1472 Wellswood Avenue on June 14, 1997, to respond to a call involving a barricaded gunman at that location by Zone 2 officers who had been dispatched to a 911 call reporting a domestic dispute; and

WHEREAS, Plaintiff maintains that excessive force was used by the Defendants against him during the course of his arrest on June 14, 1997; and

WHEREAS, Plaintiff alleges that he suffered financial losses as a result of physical injuries sustained during the course of his arrest on June 14, 1997; and

WHEREAS, while Defendants Browning, Smith and Leighty deny using any force against Plaintiff that was not reasonably necessary, and they further deny making any contact with Plaintiff's head, it is undisputed that Plaintiff sustained an injury to the side of his head at some point on June 14, 1997, and his scalp is permanently scarred; and

WHEREAS, the case has been litigated extensively, and even after an appeal to the U.S. Court of Appeals for the Eleventh Circuit, Fourth Amendment and state law claims

remain to be tried before a jury, after which the City of Atlanta faces potential liability; and

WHEREAS, the Plaintiff has agreed to accept \$10,000.00 as full settlement of all remaining claims, including attorneys' fees; and

WHEREAS, the City Attorney has done an extensive review of the facts and the law, and has determined that the City's potential financial exposure is in excess of the settlement amount; and

WHEREAS, by this settlement, Robert Browning, Chris Leighty, Jimmy Smith, Beverly Harvard, the City of Atlanta, and any current or former employee or agent of the City of Atlanta admit no liability; and

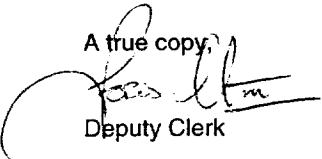
WHEREAS, the City Attorney considers it to be in the best interest of the City to resolve this matter and recommends that the City pay the amount of \$10,000.00 to settle all claims.

THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA hereby resolves as follows:

SECTION 1. The City Attorney is hereby authorized to settle the case of Barnhill v. Harvard, et al. in the amount of Ten Thousand Dollars (\$10,000.00).

SECTION 2. The Chief Financial Officer is authorized to pay a total amount of \$10,000.00 to Plaintiff in this case from Account No. 1A01-529017-T31001.

A true copy,


Deputy Clerk

ADOPTED by the Council
RETURNED WITHOUT SIGNATURE OF THE MAYOR
APPROVED as per City Charter Section 2-403

DEC 03, 2001

DEC 12, 2001

01-12-2029

(Do Not Write Above This Line)

A RESOLUTION 01-r-

BY THE PUBLIC SAFETY AND LEGAL
ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING THE
SETTLEMENT OF ALL CLAIMS IN THE
CASE OF CONELL BARNHILL V.
BEVERLY J. HARVARD, ET AL., UNITED
STATES DISTRICT COURT, NORTHERN
DISTRICT OF GEORGIA, ATLANTA
DIVISION, CIVIL ACTION NO. 1:99-
CV-1787-MHS, IN THE AMOUNT OF
\$10,000.00; AUTHORIZING THE CHIEF
FINANCIAL OFFICER TO DISBURSE
THE SETTLEMENT AMOUNT; AND
FOR OTHER PURPOSES.

APPROVED BY:

Richard Rubens Howell

- ☐ CONSENT REFER
☐ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER
☐ PERSONAL PAPER REFER

ADOPTED BY
DEC 03 2001

COUNCIL

Voice Vote

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred to _____

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

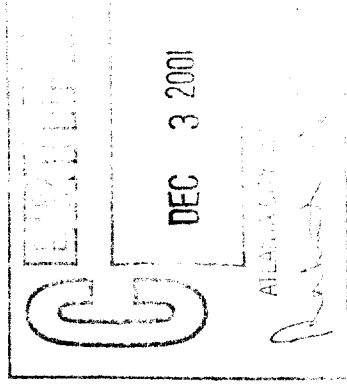
Members

Refer To

FINAL COUNCIL ACTION

- ☐ 2nd ☐ 1st & 2nd ☐ 3rd
Readings
☐ Consent ☐ V Vote ☐ RC Vote

CERTIFIED



CERTIFIED
DEC 03 2001

for
DEPUTY MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

DEC 12 2001

WITHOUT SIGNATURE
BY OPERATION OF LAW